



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zander, Dennis R. Attorney Docket: 87054.000006
Serial No: 10/615,130 Examining Attorney: McCarry, Robert J., Jr.
Filed: July 8, 2003 Art Unit: 3617
Title: COMBINATION MODEL TRAIN PROXIMITY DETECTOR AND SIGNAL

AMENDMENT

Commissioner for Patents
PO Box 1450
Arlington, Virginia 22202-3513

Sir:

In responsive to the office action dated June 3, 2004, please reconsider the rejection in light of the following remarks:

REMARKS

All of the claims are rejected under 35 USC 101 for double patenting. The rejections fall in two classes. Claims 1, 10, 11, 20-23 and 25-30 are rejected as claiming the same invention (statutory double patenting) Claims 2, 3, 4, 6-9, 12-16, 24, are rejected under the judicially created doctrine of obviousness – type double patenting.

As to the second group of claims applicant encloses a terminal disclaimer to overcome the rejection.

As to the first type of claims, applicant respectfully submits that the rejection is not well taken and should be withdrawn.

In pertinent part, each of Claims 1, 10, 11, 20-23 and 25-30 recite the following elements:

A red signal;